

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD THOMAS BISHOP,

Defendant.

CR 14-40-M-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on December 1, 2014. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).


Judge Lynch recommended this Court accept Richard Thomas Bishop’s guilty plea after Bishop appeared before him pursuant to Federal Rule of Criminal

Procedure 11, and entered a plea of guilty to one count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) (Count II) as set forth in the Indictment. Defendant further agrees to the forfeiture allegations in the Indictment and concedes to the entry of a preliminary order of forfeiture regarding the property subject to the allegations. In exchange for Defendant's plea, the United States has agreed to dismiss Count I of the Indictment no later than 21 days after the issuance of a written judgment if the Court accepts the Plea Agreement and the Defendant complies with Paragraph 8 of the Plea Agreement.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 17), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Richard Thomas Bishop's motion to change plea (Doc. 10) is GRANTED and Richard Thomas Bishop is adjudged guilty as charged in Count II of the Indictment.

DATED this 16th day of December, 2014.



Dana L. Christensen, Chief District Judge
United States District Court